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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jack WASSOM et al.

Art Unit : 2173

Serial No. : 09/224,211

Examiner : Ba Huynh

Filed : December 30, 1998

Title : CUSTOMIZED USER INTERFACE

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANCE WITH 37 CFR 1.192(c)

In response to the Notification of Non-Compliance mailed December 18, 2003,

Applicants submit herewith an amended Appeal Brief in triplicate.

No fee is believed to be due. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 16, 2004

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BRIEF ON APPEAL**(1) Real Party in Interest**

America Online, Inc., the assignee of this application, is the real party in interest.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of Claims

Claims 1, 2, 4-19, 24-30, 32-47, and 52-78 are pending, with claims 1, 28, 29, 61, 71, and 75 being independent.

Claims 1, 2, 4-19, 24-30, 32-47, and 52-78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moody (U.S. Patent No. 5,966,533) in view of Okada (U.S. Patent No. 5,956,029).

Claim 61-78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moody.

(4) Status of Amendments

An amendment was filed concurrently with the appeal brief filed on September 11, 2003, proposing changes to address formalities and issues raised in the Final Office Action mailed March 12, 2003. Claims 1, 7, 9, 29, 35, and 37 were amended and claims 6, 8, 28, 34, 36, and 61-78 were cancelled by the amendment filed September 11, 2003. In particular, independent claim 1 was amended to incorporate the limitations of dependent claim 8, dependent claim 7 was rewritten in independent form, independent claim 29 was amended to incorporate the limitations of dependent claim 36, and dependent claim 35 was rewritten in independent form.

As of the filing date of this Brief, the Amendment has not been entered and awaits consideration. In the instant appeal brief and in Appendix A, the claims therefore are presented in their unamended form.

A prior amendment filed on August 12, 2003 was not entered for the reasons stated in the Advisory Action of September 3, 2003.

(5) Summary

User interface controls for a user are regulated based on the user's maturity level, as determined by a grouping associated with the user. By customizing the controls made available by a toolbar based on the user's grouping, different users can enjoy the benefits of a toolbar without the clutter of permanently disabled controls or controls not frequently accessed. Page 3, lines 12-14.

One prolific example of the utility enabled through this technology is with respect to age-appropriate toolbars. This technology can be used to enable a child-appropriate toolbar by omitting buttons related to the forbidden function otherwise presented in the toolbar, without calling these limitations to the child's attention. Page 3, lines 14-17; page 5, lines 6-8; page 6, lines 5-6, 18-21. Alternatively, this technology can be used to add buttons to a child-appropriate toolbar to direct a child's attention to age-appropriate features that a child is likely to enjoy. Page 3, lines 17-19; page 5, lines 8-9. By providing group specific toolbars, adults can place a child in front of a computer without worrying that the child will be exposed to inappropriate material. Page 3, lines 20-24.

In one implementation, a user identity for the user is received and a maturity level for the user is accessed in a database based upon the received identity. Page 2, lines 25-27; Page 6, lines 23-29; page 7, lines 1-3. A grouping is automatically selected from among a plurality of groupings based upon the maturity level of the user, and associated with the user identity. The grouping may be based on user age such that different groupings are provided for children and/or teenagers. Page 2, lines 19-25; page 3, lines 1-2; page 4, lines 18-20; page 5, 12-14. The grouping also may be used to identify access levels to services such as e-mail, chat rooms, and Internet browsing. Page 2, lines 24-25; page 4, lines 27-29; page 5, lines 1-4, 14-22.

A set of user interface controls is automatically provided. Page 2, lines 1-3; page 6, lines 28-29; page 7, lines 1-13. The set of user interface controls includes a toolbar. Page 5, lines 3-9. The set of user interface controls corresponds to the identified grouping to which the user was associated. Page 4, lines 15-17, 21-26; page 6, lines 28-29; page 7, lines 1-13. A concentrated collection of controls is provided and is tailored to the user's grouping. For example, users belonging to a group having restricted access do not experience the problem of toolbar clutter resulting from permanently disabled controls that are reserved for more privileged users. Page 4; lines 22-26. Also, functions that a certain group of users is more likely to use more frequently can be presented more conspicuously. Page 4, lines 24-26.

The set of user interface controls may be provided by modifying a default set of controls or otherwise. Page 7, lines 4-7. Moreover, the set of user interface controls is changed from an existing collection of user interface controls. Page 2, lines 19-22; page 7, lines 4-13. In one implementation, changing the set of user interface controls includes removing a user interface control. Page 2, lines 19-22; page 7, lines 4-13. For example, menu choices in a pull down menu control that enable the ordering of magazine subscriptions using a "bill me later" option may be removed for young children. Page 6, lines 5-6. In another implementation, changing the set of user interface controls includes adding a user interface control. Page 2, lines 19-22; page 7, lines 4-13. For example, a list of choices of special interest to children, such as school project ideas, may be added in a pull down menu. Page 6, lines 20-22.

The above citations to the application are exemplary. Other occurrences of these technologies are described in the specification.

(6) Issues

Is the subject matter of claims 7, 8, 35, and 36 obvious over Moody '533 in view of Okada '029?

Note that claims 1, 2, 4-6, 9-19, 24-30, 32-34, 37-47, and 52-78 are not presented for appeal, but that those claims remain pending since the Examiner has not considered the amendments submitted on September 11, 2003 that effected a change of claims 7-8 and 35-36 from their presently dependent form to independent form. The Examiner has indicated in a phone conversation with Applicants' representative on January 9, 2004 that the amendments

submitted on September 11, 2003 had not been considered but would, in any event, not be entered once they were considered. Similar changes will be made by amendment at the conclusion of this appeal, pending favorable resolution.

(7) Grouping of Claims

The claims do not stand or fall together. For the reasons presented in the Argument section below, the claims are believed to fall into two separate patentable groups, as follows:

- (1) Claims 8 and 36; and
- (2) Claims 7 and 35.

If a claim is not listed in a group, then that claim is believed to stand or fall with the group(s) containing the claim(s) from which that claim depends.

(8) Argument

The subject matter of claims 7, 8, 35 and 36 would not have been obvious over Moody '533 in view of Okada '029.

Claims 7, 8, 35 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moody (U.S. Patent No. 5,966,533) in view of Okada (U.S. Patent No. 5,956,029). For the reasons set forth below, the reversal of the rejection of claims 7, 8, 35 and 36 is requested.

Claims 8 and 36

In claim 8, a set of user interface controls, including a toolbar, is provided to a user. The set of user interface controls provided depends in turn upon a grouping associated with the user. The grouping to be associated with the user is chosen from among multiple possible groupings based upon the user's maturity level. The user's maturity level is determined by accessing a database and accessing the maturity level based on the user identity associated with the user. Claim 8 recites that, in providing the set of user interface controls, an existing collection of user interface controls is changed by removing a user interface control.

Moody fails to disclose changing an existing collection of controls by removing a user interface control to the existing collection of user interface controls, as acknowledged by the

Office Action, which turns to Okada for such disclosure. See Final Office Action at pages 2-3. Applicants submit that Okada is similarly deficient.

Okada merely converts the presentation format for several elements of a user interface, without adding or removing elements from the user interface. In one example, Okada converts a picture interface provided by an application program to a new picture interface so as to trigger a change in the picture provided by the application program. Col. 1, ll. 5-17; abstract. In a second example, Okada teaches adding sound effects for a juvenile user. Col. 10, ll. 21-26. In each example, user interface elements are neither added nor removed from the user interface. Rather, their presentation format is changed visually or audibly. By merely changing the presentation format of the user interface element originally presented in the user interface, Okada fails to change an existing collection of user interface controls by removing a user interface control to the existing collection of user interface controls as recited in claim 8. No functionality is removed by Okada. Instead, Okada extracts picture information from an existing application and performs a conversion for the information at a designated target point. Moreover, because Okada fails to remove a user interface control, Okada does not effect a child-friendly user interface.

Thus Moody and Okada, either alone or in combination, do not establish a *prima facia* case of obviousness with regard to claim 8.

For the purposes of this rejection, claim 36 recites elements consistent with those of claim 8. Accordingly, Applicants request the reversal of the rejection of claims 8 and 36.

Claims 7 and 35

In claim 7, a set of user interface controls, including a toolbar, is provided to a user. The set of user interface controls provided depends in turn upon a grouping associated with the user. The grouping to be associated with the user is chosen from among multiple possible groupings based upon the user's maturity level. The user's maturity level is determined by accessing a database and accessing the maturity level based on the user identity associated with the user. Claim 7 recites that, in providing the set of user interface controls, an existing collection of user interface controls is changed by adding a user interface control.

Moody fails to disclose changing an existing collection of controls by adding a user interface control to the existing collection of user interface controls, as acknowledged by the Office Action, which turns to Okada for such disclosure. See Final Office Action at pages 2-3. Applicants submit that Okada is similarly deficient.

Okada merely converts the presentation format for several elements of a user interface, without adding or removing elements from the user interface. In one example, Okada converts a picture interface provided by an application program to a new picture interface so as to trigger a change in the picture provided by the application program. Col. 1, ll. 5-17; abstract. In a second example, Okada teaches adding sound effects for a juvenile user. Col. 10, ll. 21-26. In each example, user interface elements are neither added nor removed from the user interface. Rather, their presentation format is changed visually or audibly. By merely changing the presentation format of the user interface element originally presented in the user interface, Okada fails to change an existing collection of user interface controls by adding a user interface control to the existing collection of user interface controls as recited in claim 7. No functionality is added by Okada. Instead, Okada extracts picture information from an existing application and performs a conversion for the information at a designated target point. Moreover, because Okada fails to add a user interface control, Okada does not effect a child-friendly user interface.

Thus Moody and Okada, either alone or in combination, do not establish a *prima facia* case of obviousness with regard to claim 7.

For the purposes of this rejection, claim 35 recites elements consistent with those of claim 7. Accordingly, Applicants request the reversal of the rejection of claims 7 and 35.

No New Issues Are Presented on Appeal

No new issues are presented on appeal. All issues argued in this appeal are raised in Appellant's Response to the Final Office Action filed on September 11, 2003.

Conclusion

For the foregoing reasons, the rejections should be reversed.

Applicant : Jack WASSOM et al.
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Account No. 06-1050.

Respectfully submitted,

Date: January 16, 2004



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Appendix of Claims

Appendix A

1. (previously presented): A method of regulating user interface controls, the method comprising:

receiving a user identity for a user;
accessing a maturity level for the user in a database based on the user identity;
automatically associating a grouping with the user identity by selecting a grouping from among a plurality of groupings based on the maturity level for the user; and
automatically providing a set of user interface controls corresponding to the identified grouping, the set of user interface controls including a toolbar.

2. (previously presented): The method of claim 1 in which automatically providing the set of user interface controls comprises displaying the set as a bank of controls.

3. (cancelled).

4. (original): The method of claim 1, wherein the user interface controls include a button.

5. (original): The method of claim 1, wherein the user interface controls include a pull-down menu control.

6. (previously presented): The method of claim 1, wherein automatically providing the set of user interface controls comprises changing an existing collection of user interface controls.

7. (original): The method of claim 6, wherein changing a collection comprises adding a user interface control.

8. (original): The method of claim 6, wherein changing a collection comprises removing a user interface control.

9. (original): The method of claim 6, wherein changing a collection comprises changing an existing control into a different control.

10. (original): The method of claim 9, wherein changing an existing control comprises eliminating or adding menu choices provided by a pull-down menu control.

11. (original): The method of claim 1, wherein the groupings comprise groupings based on user maturity.

12. (original): The method of claim 11, wherein the groupings based on user maturity include a kids grouping.

13. (original): The method of claim 11, wherein the groupings based on user maturity include a teenagers grouping.

14. (original): The method of claim 1, wherein the groupings correspond to access levels to network service provider services.

15. (original): The method of claim 14, wherein the network service provider services comprise e-mail.

16. (original): The method of claim 14, wherein the network service provider services comprise network browsing.

17. (original): The method of claim 14, wherein the network service provider services comprise chat sessions.

18. (previously presented): The method of claim 1, wherein associating the grouping comprises determining the grouping based on the received user identity.

19. (previously presented): The method of claim 1, wherein receiving a user identity comprises receiving the user identity via a network connection..

20-23. (cancelled).

24. (previously presented): The method of claim 1, wherein the groupings comprise groupings based on user characteristics.

25. (previously presented): The method of claim 24, wherein user characteristics comprise age.

26. (previously presented): The method of claim 24, wherein the grouping corresponds to services that the user is permitted to access.

27. (previously presented): The method of claim 1, wherein automatically providing the set of user interface controls comprises receiving information from a remote site describing the set.

28. (previously presented): A method of producing a toolbar having user interface controls, the method comprising:

receiving a user identity for a user over a network connection;

accessing a maturity level for the user in a database based on the user identity;

automatically associating a grouping with a user identity by selecting a grouping from a plurality of groupings based on the maturity level for the user;

determining the groupings associated with the received user identity; and

using the determined grouping to automatically produce a toolbar having user interface controls, the user interface controls included in the toolbar being based on the maturity level for the user.

29. (previously presented): A computer program, residing on a computer readable medium, comprising instructions for causing a computer to:

receive a user identity for a user;

access a maturity level for the user in a database based on the user identity;

automatically associate a grouping with the user identity by selecting a grouping from among a plurality of groupings based on the maturity level for the user; and

automatically provide a set of user interface controls corresponding to the identified grouping, the set of user interface controls including a toolbar.

30. (original): The computer program of claim 29, wherein the instructions for causing the computer to provide the set of user interface controls comprise instructions for causing the computer to display the set as a bank of controls.

31. (cancelled).

32. (original): The computer program of claim 29, wherein the user interface controls include a button.

33. (original): The computer program of claim 29, wherein the user interface controls include a pull-down menu control.

34. (previously presented): The computer program of claim 29, wherein the instructions that cause the computer to automatically provide the set of user interface controls comprise instructions for causing a computer to change an existing collection of user interface controls.

35. (original): The computer program of claim 34, wherein the instructions for causing the computer to change an existing collection comprise instructions for causing the computer to add a user interface control.

36. (original): The computer program of claim 34, wherein the instructions for causing the computer to change an existing collection comprise instructions for causing the computer to remove a user interface control from the existing collection.

37. (original): The computer program of claim 34, wherein the instructions for causing the computer to change an existing collection comprise instructions for causing the computer to change an existing control into a different control.

38. (original): The computer program of claim 37, wherein the instructions that cause the computer to change the existing control comprise instructions that cause the computer to eliminate or add menu choices provided by a pull-down menu control.

39. (original): The computer program of claim 29, wherein the groupings comprise groupings based on user maturity.

40. (original): The computer program of claim 39, wherein the groupings based on user maturity include a kids grouping.

41. (original): The computer program of claim 39, wherein the groupings based on user maturity include a teenagers grouping.

42. (original): The computer program of claim 29, wherein the groupings correspond to access levels granted to network service provider services.

43. (original): The computer program of claim 42, wherein the network service provider services comprise e-mail.

44. (original): The computer program of claim 42, wherein the network service provider services comprise network browsing.

45. (original): The computer program of claim 42, wherein the network service provider services comprise chat sessions.

46. (previously presented): The computer program of claim 29, wherein the instructions that cause the computer to automatically associate the grouping comprise instructions for causing the computer to automatically determine the grouping based on the received user identity.

47. (previously presented): The computer program of claim 29, wherein the instructions for causing a computer to receive a user identity comprise instructions for causing a computer to receive the user identity via a network connection.

48-51. (cancelled).

52. (previously presented): The computer program of claim 29, wherein the groupings comprise groupings based on user characteristics.

53. (previously presented): The computer program of claim 52, wherein user characteristics comprise age.

54. (previously presented): The computer program of claim 52, wherein the grouping corresponds to services that the user is permitted to access.

55. (previously presented): The computer program of claim 29, wherein the instructions that cause the computer to automatically provide the set of user interface controls comprise instructions that cause the computer to transmit information to a remote site describing the set of controls.

56. (previously presented): The method of claim 11, wherein user maturity includes age.

57. (previously presented): The computer program of claim 39, wherein user maturity includes age.

58. (previously presented): The method of claim 1, wherein automatically associating a grouping with the user identity comprises automatically associating a grouping with a user identity as defined by a master user.

59. (previously presented): The method of claim 28, wherein automatically associating a grouping with a user identity comprises automatically associating a grouping with a user identity as defined by a master user.

60. (previously presented): The method of claim 29, wherein instructions for causing a computer to automatically associate a grouping with the user identity comprises the associating of a grouping with a user identity as defined by a master user. --

61. (previously presented): A method for producing a customized user interface comprising:

defining a set of groups based upon user characteristics;
associating a pre-defined and pre-stored user interface with each group;
receiving an identity for a user, the identity being unique to the user;
associating the received identity with a group based upon a characteristic of the user corresponding to the received identity; and
displaying the pre-defined and pre-stored user interface corresponding to the group associated with the identity.

62. (previously presented): The method of claim 61, wherein the groups comprise groups based on user maturity.

63. (previously presented): The method of claim 62, wherein user maturity comprises a kids maturity.

64. (previously presented): The method of claim 62, wherein user maturity comprises a teenagers maturity.

65. (previously presented): The method of claim 61, wherein the groups comprise groups based on access levels to network service provider services.

66. (previously presented): The method of claim 65, wherein the network service provider services comprise e-mail.

67. (previously presented): The method of claim 65, wherein the network service provider services comprise network browsing.

68. (previously presented): The method of claim 65, wherein the network service provider services comprise chat sessions.

69. (previously presented): The method of claim 61, wherein the groups comprise groups based on services that the user is permitted to access.

70. (previously presented): The method of claim 61, wherein user characteristics comprise age.

71. (previously presented): A computer program for producing a customized user interface, the computer program comprising instructions for:

defining a set of groups based upon user characteristics;
associating a pre-defined and pre-stored user interface with each group;
receiving an identity for a user, the identity being unique to the user;
associating the received identity with a group based upon a characteristic of the user corresponding to the received identity; and

displaying the pre-defined and pre-stored user interface corresponding to the group associated with the identity.

72. (previously presented): The computer program of claim 71, wherein the groups comprise groups based on user maturity.

73. (previously presented): The computer program of claim 71, wherein the groups comprise groups based on services that the user is permitted to access.

74. (previously presented): The computer program of claim 71, wherein user characteristics comprise age.

75. (previously presented): A system for producing a customized user interface comprising:

means for defining a set of groups based upon user characteristics;

means for associating a pre-defined and pre-stored user interface with each group;

means for receiving an identity for a user, the identity being unique to the user;

means for associating the received identity with a group based upon a characteristic of the user corresponding to the received identity; and

means for displaying the pre-defined and pre-stored user interface corresponding to the group associated with the identity.

76. (previously presented): The system of claim 75, wherein the groups comprise groups based on user maturity.

77. (previously presented): The system of claim 75, wherein the groups comprise groups based on services that the user is permitted to access.

78. (previously presented): The system of claim 75, wherein user characteristics comprise age.